

## **§ 2.1308**

## **10 CFR Ch. I (1–1–06 Edition)**

### **§ 2.1308 Oral hearings.**

Hearings under this subpart will be oral hearings, unless, within 15 days of the service of the notice or order granting the hearing, the parties unanimously agree and file a joint motion requesting a hearing consisting of written comments. No motion to hold a hearing consisting of written comments will be entertained absent consent of all the parties.

[69 FR 2270, Jan. 14, 2004]

### **§ 2.1309 Notice of oral hearing.**

- (a) A notice of oral hearing will—
  - (1) State the time, place, and issues to be considered;
  - (2) Provide names and addresses of participants,
  - (3) Specify the time limit for participants and others to indicate whether they wish to present views;
  - (4) Specify the schedule for the filing of written testimony, statements of position, proposed questions for the Presiding Officer to consider, and rebuttal testimony consistent with the schedule provisions of § 2.1321.
  - (5) Specify that the oral hearing shall commence within 15 days of the date for submittal of rebuttal testimony unless otherwise ordered;
  - (6) State any other instructions the Commission deems appropriate;
  - (7) If so determined by the NRC staff or otherwise directed by the Commission, direct that the staff participate as a party with respect to some or all issues.
- (b) If the Commission is not the Presiding Officer, the notice of oral hearing will also state:
  - (1) When the jurisdiction of the Presiding Officer commences and terminates;
  - (2) The powers of the Presiding Officer;
  - (3) Instructions to the Presiding Officer to certify promptly the completed hearing record to the Commission without a recommended or preliminary decision.

### **§ 2.1310 Notice of hearing consisting of written comments.**

A notice of hearing consisting of written comments will:

- (a) State the issues to be considered;

- (b) Provide the names and addresses of participants;

(c) Specify the schedule for the filing of written testimony, statements of position, proposed questions for the Presiding Officer to consider for submission to the other parties, and rebuttal testimony, consistent with the schedule provisions of § 2.1321.

- (d) State any other instructions the Commission deems appropriate.

### **§ 2.1311 Conditions in a notice or order.**

- (a) A notice or order granting a hearing or permitting intervention shall—
  - (1) Restrict irrelevant or duplicative testimony; and
  - (2) Require common interests to be represented by a single participant.
- (b) If a participant's interests do not extend to all the issues in the hearing, the notice or order may limit her/his participation accordingly.

### **§ 2.1315 Generic determination regarding license amendments to reflect transfers.**

- (a) Unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility or the license of an Independent Spent Fuel Storage Installation which does no more than conform the license to reflect the transfer action, involves respectively, “no significant hazards consideration,” or “no genuine issue as to whether the health and safety of the public will be significantly affected.”
- (b) Where administrative license amendments are necessary to reflect an approved transfer, such amendments will be included in the order that approves the transfer. Any challenge to the administrative license amendment is limited to the question of whether the license amendment accurately reflects the approved transfer.

[63 FR 66730, Dec. 3, 1998, as amended at 69 FR 2270, Jan. 14, 2004]

### **§ 2.1316 Authority and role of NRC staff.**

- (a) During the pendency of any hearing under this subpart, consistent with the NRC staff's findings in its Safety Evaluation Report (SER), the staff is